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## Initiative Petition Information Sheet

Title of Petition: An Initiative Petition To Amend The Current Do Not Call List Law To Regulate  
Certain Charitable Solicitations (Version F)

Petition Number : 11-09

### Proponents' Contact

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### Proponents' Attorney

Name:

Address:

Phone:

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Email:

### Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?

☐ Yes

☐ No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?

☐ Yes

☐ No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

**AGO Staff Person Receiving Petition:**

**PS**

*(to be filled in by Attorney General's Office staff)*

**Date:**

**8/2/2011**

*(to be filled in by Attorney General's Office staff)*

## **Version F**

### **AN INITIATIVE PETITION TO AMEND THE CURRENT DO NOT CALL LIST LAW TO REGULATE CERTAIN CHARITABLE SOLICITATIONS.**

Be it enacted by the People, and by their authority:

#### **SECTION 1.**

Section 1 of chapter 159C of the general laws is hereby amended by inserting the following definitions in their appropriate alphabetically-ordered locations, and by striking out any existing definitions of the same terms: --

“Charitable contribution” shall have the same meaning as “contributions” in section 18 of chapter 68 of the general laws.

“Charitable organization” shall have the same meaning as in section 18 of chapter 68 of the general laws, provided that such organization has satisfied the registration requirements of section 19 of said chapter 68.

“Consumer,” an individual who is a resident of the commonwealth and a prospective recipient of consumer goods or services or a prospective contributor to a charitable organization.

“Marketing or sales solicitation,” the initiation of a telephone call or message to encourage the purchase or rental of, or investment in, property, goods or services, or to solicit a charitable contribution, that is transmitted to a consumer, but not including a telephone call or message: (i) to a consumer with that consumer’s prior express written or verbal invitation or permission; (ii) by a tax-exempt nonprofit organization, or any charitable organization, provided that the solicitation is conducted by a bona fide member or employee of or volunteer for such organization and without the involvement of any professional solicitor or commercial co-venturer as those terms are defined in section 18 of said chapter 68; (iii) by an individual or organization for a noncommercial purpose, such as a poll or survey; or (iv) to a consumer in response to a visit made by such consumer to an establishment selling, leasing or exchanging consumer goods or services at a fixed location.

## SECTION 2.

Section 5A of chapter 159C of the general laws is hereby amended in paragraph (a) by striking out clauses (ii) through (iv) and inserting in place thereof the following: --

(ii) the correct name of the telemarketing company that employs the individual telemarketer who is making the call, (iii) the correct name of the ultimate seller whose goods or services are being offered, or charitable organization for which contributions are being solicited, by means of the telemarketing call; and (iv) a complete and accurate description of any goods or services being offered including, but not limited to, the retail market value of the goods or services. All charitable solicitations conducted by a professional solicitor or commercial co-venturer, as those terms are defined in section 18 of said chapter 68, shall also satisfy the disclosure requirements of section 23 of said chapter 68, subject, however, to section 5(b)(v) herein.

## SECTION 3.

Section 5A of chapter 159C of the general laws is hereby further amended by inserting in paragraph (b), after the phrase "original investment," the following: --

; and (v) in the case of a professional solicitor or commercial co-venturer making a telephonic sales call soliciting a charitable contribution, if a consumer asks in substance for information about what amount or proportion of a contribution would be retained or received by the professional solicitor or commercial co-venturer, or by the charitable organization for charitable purposes, the telemarketer shall provide either (A) the guaranteed minimum percentage of the gross receipts from fundraising that will be utilized exclusively for the charitable purposes described in the solicitation, as stated in the contract or written agreement between the professional solicitor or commercial co-venturer and the charitable organization, or (B) any comparable disclosure that may be required by regulations promulgated under section 29 of said chapter 68.

## SECTION 4.

The provisions of this law are independent and severable, and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of this law invalid or inoperative.

## SECTION 6.

This law shall take effect on January 1, 2013.

I have personally reviewed the final text of this Initiative Petition To Amend The Current Do Not Call List Law To Regulate Certain Charitable Solicitations, fully subscribe to its contents, and agree to be one of the original signers of this petition.

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